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REMARKS

The Examiner has rejected Claim 31 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement rejection. Specifically, the Examiner has stated that no real guidance has been given in the specification as to what F and N represent except for F being a "deviation factor" and N being a "normalization factor." Applicant respectfully disagrees with such rejection.

First, with respect to the deviation factor F, applicant points out page 10, lines 16-18 of applicant's originally-filed specification which states:

"If the actual response duration R_{actual} deviates from the default response duration $R_{default}$ by a predetermined amount (i.e. 10%, 20%, $R_{default}$ * F), the default timeout value $T_{default}$ is modified in operation 512."

Applicant respectfully asserts that, clearly, the deviation factor F may be a percentage or any other deviation factor, per the above excerpt. By virtue of the above example and what would have been known by one skilled in the art, the foregoing factor is indeed enabled, contrary to the Examiner's assertion.

Second, with respect to the normalizing factor N, applicant points out page 10, lines 18-21 of applicant's originally-filed specification which states:

"In one embodiment, a variable value (R_{actual} * N) which is set as a function of the measured actual response duration R_{actual} (i.e. network conditions) may be added to the default timeout value $T_{default}$."

Applicant respectfully asserts that the normalizing factor N is clearly a value such that, when multiplied by R_{actual}, a normalized variable value is returned. Furthermore, one of ordinary skill in the art would recognize how to make or use a normalizing factor (N) simply based on the definition thereof. In particular, the definition of normalize is: "To make normal, especially to

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cause to conform to a standard or norm" (*The American Heritage® Dictionary of the English Language, Fourth Edition Copyright © 2000 by Houghton Mifflin Company*). Thus, it would be obvious to one of ordinary skill in the art that applicant's claimed normalizing factor (N) could be any factor that would cause R_{actual} to conform to a desired mathematical standard such that a normalized variable value that is a function of R_{actual} is returned. By virtue of the above excerpt and what would have been known by one skilled in the art, the foregoing factor is indeed enabled, contrary to the Examiner's assertion.

The Examiner is thanked for allowing the subject matter of independent Claim 31. Applicant has amended each of the remaining independent claims to include the allowable subject matter of Claim 31.

Thus, all of the independent claims are deemed allowable. Moreover, the remaining dependent claims are further deemed allowable, in view of their dependence on such independent claims.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. NAI1P008/01.113.01).

Respectfully submitted,
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